

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEREK ANTHONY COSTANTINO,)	3:10-cv-00078-HDM-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	March 26, 2012
)	
STATE OF NEVADA in rel.)	
THE NEVADA DEPARTMENT OF)	
CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff Derek Anthony Costantino's Emergency Motion for Reconsideration for Appointment of Counsel (Doc. #60). Defendant State of Nevada, et al. has filed an opposition (Doc. #63) to which Mr. Constantino replied (Doc. #67).

Mr. Costantino's motion (Doc. #60) is denied. Under 28 U.S.C. § 1915(d) a district court may appoint counsel under "exceptional circumstances." Mr. Constantino has again failed to demonstrate such circumstances exist in his case. As was explained in the court's previous order denying appointment of counsel herein (Doc. #25), a precondition to appointment of counsel is a showing by the applicant that the case is unduly complex and that plaintiff has a likelihood of success. Mr. Constantino's filings indicate that he is more than competent to proceed *pro se*. He has an excellent command of the English language, has conducted thorough legal research, and has submitted extensive filings. He still has not demonstrated a likelihood of success.

IT IS THEREFORE ORDERED that Derek Anthony Costantino's Emergency Motion for Reconsideration for Appointment of Counsel (Doc. #60) is **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk